



Village of Canal Winchester
36 South High Street
Canal Winchester, Ohio 43110-1213

Village Council
Monday,
July 21, 2008
7:00 PM

Minutes

Call to Order: Mr. Deeds called the meeting to order 7:06pm

Pledge of Allegiance: Mr. Jarvis led the Pledge of Allegiance

Roll Call:

Rick Deeds	Bruce Jarvis	Bobbie Mershon
Victor Paini	Marilyn Rush-Ekelberry	Leah Turner

Mrs. Mershon moved to excuse Dr. Bender on medical absence. Mr. Jarvis seconded the motion.

VOTE: **AYES** Mr. Jarvis, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS
Motion carried.

Approval of Minutes:

Mr. Paini moved to approve the minutes from the July 7th, 2008 Council meeting and Public Hearing, as well as, the Committee of Whole meeting on July 12th, 2008. Mr. Jarvis seconded the motion.

VOTE: **AYES** Mr. Jarvis, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Mrs. Rush-Ekelberry

NAYS
Mrs. Turner abstained.
Motion carried.

Communications & Petitions:

Correspondence was received from Corey Columbo of the law offices of Wiles, Boyle, Burkholder & Bringardner, regarding the Jeffery Bond v. The Village of Canal Winchester, case 06CEH67742.

A news article from the Columbus Dispatch on July 19th, was included about the Columbus Street opening.

Village Residents Comments:

Five-minute limit per person

Bill Arnett, the Fairfield County Economic Development Director, of 210 E. Main Street in Lancaster, wanted to thank the Village of Canal Winchester and the Village Council for their support of the 33 / Fairfield Alliance. The Alliance is a great public/private partnership that will allow for investment and job creation and improve the quality of life for residents.

The JEDD was approved by Violet Township, but not approved by Bloom Township. In the future, Lancaster, Canal Winchester and Pickerington will have the opportunity to review the JEDD and make a vote. From an economic development perspective, he doesn't believe the current contract gives us the best possibility to win bids and bring business to the 33 corridor. He is not saying JEDD's are bad, but the current contract with its income tax distribution will make it difficult to win major projects with significant capital investment. The 2% income tax can be a disincentive for some projects and will actually be at odds with the marketing efforts of the 33/Fairfield Alliance.

Mr. Jarvis asked Mr. Arnett what changes he would propose to help meet our mutual goals.

Mr. Arnett suggested waiting until a project required a creation of a JEDD and then draft the document to meet the needs of that project. The other JEDD's in Ohio were created to fill a need. The need doesn't exist yet.

Mr. Paini asked if Fairfield County is listed in the JEDD.

Mr. Arnett said that Fairfield County is not included. Mr. Paini stated it was interesting that Fairfield County was not listed, but he was here to oppose it.

Mr. Arnett noted that he may have mis-spoke. Fairfield County is referenced in the JEDD to provide public service. It doesn't make sense to him for a local or county economic development person to be speaking against something that should be good for development. In his mind, this isn't about development and isn't going to bring development. He believes that JEDD's can be crafted to reach that goal, but that this JEDD isn't crafted to reach that goal.

Mr. Paini stated that his statement gives the appearance that he would want this JEDD to fail so that Fairfield County can be listed in the new one.

Mr. Arnett disagreed and stated that he doesn't believe that they are even allowed to be a contracting party to the JEDD. His intention is that it would make more sense to have a project first, for which to craft the JEDD. This would be more attractive to a business or developer. This JEDD template, with the income tax distribution already cut, without a project doesn't make sense.

Mr. Jarvis stated that the concept behind this is to be proactive and set precedence, but he see this is difference in philosophies. His comments are appreciated none the less.

Mrs. Turner stated to Mr. Strayer that she thought there was a project in the works that was waiting for the creation of the JEDD.

Mr. Strayer stated there was but a larger committee decided that the project would not be of value to the JEDD. So Violet Township went ahead with that project.

Mr. Hollins believes that we may have gotten off on the wrong foot with Fairfield County at some point. This JEDD will not be successful without Fairfield County utilities. The concept of the JEDD was to

bring the potential parties that would be competing for projects together in this joint fashion. After talking to the Mrs. Rush-Ekelberry and Mr. Deeds, we are not going to go forward with the JEDD in its current condition without Bloom Township in it. Also, once the initial townships and villages and cities together, the County can be a party to the JEDD.

Mrs. Mershon asked for the Mayor's opinion.

Mayor Ebert stated that the Fairfield/33 Alliance is so much further along and everyone is stepping away. They have hired a marketing group and they will market the corridor.

The JEDD is having trouble getting people to sign up for it. As he sees it, we have nothing to gain and nothing to lose. We don't have any property out there. We will get a portion of the 2% income tax collected, but that is all.

Mr. Carl Heister, 6760 Thrush Drive, stated that he is on the Rt. 33 Alliance marketing committee. He has learned that JEDD's are historically demand driven. From a marketing perspective, a business that wants to locate along the corridor will ask about the income tax and to have to say that there is a 2% income tax without exception is a disadvantage to some businesses. They may look further toward Columbus/Madison Township for areas with 0% tax income.

Also, Mr. Heister takes exception with the opt-out provision. If someone wants to be part of the JEDD, they should have to opt-in... not opt-out if they don't want to be part of it. He believes Lancaster will have issues with the opt-out provision as well.

Mr. Jeffrey Bond, of 146 Washington Street Apt C, stated that he does not like either of the JEDD options.

He stated that he wanted to speak about the hospital. The architecture of the hospital, with all the glass windows will look dated in a few years. He suggests a more conservative approach, with the larger windows, but not so much glass.

He is also very concerned that the building of the hospital has no final date for construction. It is reminiscent of the "clubhouse" that was going to be built in Westchester and never was. He is concerned that there will be a medical outpatient / ER center that just refers people to their hospitals so that their beds stay full.

FIRST Reading

O-07-08B

Mr. Paini moved to withdraw this ordinance. Seconded by Mrs. Mershon.

NAYS

O-07-08C

NAYS

NAYS

O-07-08D

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$2,280,000 IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS FOR THE PURPOSE OF THE IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF DILEY ROAD, BEGINNING AT THE LIMITED ACCESS RIGHT-OF-WAY APPROXIMATELY 1,030 FEET NORTH OF THE INTERSECTION OF DILEY ROAD ON U.S. 33, THENCE NORTH APPROXIMATELY 5,000 FEET, INCLUDING TWO EXISTING INTERSECTIONS AND TWO NEW INTERSECTIONS, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; AUTHORIZING A BOND PURCHASE AGREEMENT APPROPRIATE FOR

THE SALE OF THE BONDS, AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. First reading only.

Sponsor: Mr. Deeds

O-07-08E AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$3,095,000 FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF THE BONDS ISSUED IN 1999 FOR VARIOUS MUNICIPAL PURPOSES AS SET FORTH IN ORDINANCE NO. 20-99 ADOPTED BY THE VILLAGE OF CANAL WINCHESTER, OHIO ON MAY 3, 1999; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING AN ESCROW AGREEMENT IN CONNECTION WITH THE BONDS; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. First reading only.

Sponsor: Mr. Deeds

O-07-08F AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$425,000 FOR THE PURPOSE OF CURRENTLY REFUNDING A PORTION OF THE BONDS ISSUED IN 1993 FOR VARIOUS MUNICIPAL PURPOSES AS SET FORTH IN ORDINANCE NOS. 21-93, 22-93 ADOPTED BY THE VILLAGE OF CANAL WINCHESTER, OHIO ON FEBRUARY 15, 1993 AND AMENDING ORDINANCE NOS. 88-93 AND 89-93 ADOPTED JULY 12, 1993; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING AN ESCROW AGREEMENT IN CONNECTION WITH THE BONDS; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. First reading only.

Sponsor: Mr. Deeds

O-07-08G AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$1,040,000 FOR THE PURPOSE OF THE ACQUISITION OF LAND AND INTERESTS IN LAND FOR PARKS AND RECREATIONAL PURPOSES AND ALL APPURTENANCES THEREFORE; AUTHORIZING A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. First reading only.

Sponsor: Mrs. Rush-Ekelberry
O-07-08H AN ORDINANCE AUTHORIZING THE MAYOR AND FINANCE DIRECTOR/CLERK
OF COUNCIL TO ACCEPT AND EXECUTE THE PARKVIEW DRIVE AND
EASEMENTS PLAT

Mrs. Rush-Ekelberry read the ordinance. First reading only.

Sponsor: Mrs. Mershon
O-07-08J TO REPEAL THE FOLLOWING ORDINANCES #48-04, #7-02 AND #22-91
REGARDING ZONING FEES, #47-06, #69-04 AND #128-96 REGARDING BUILDING
FEES, #24-07, #63-05, #49-05 AND #122-97 REGARDING WATER SYSTEM AND
FIRE PROTECTION CAPACITY FEES, AND #25-07 AND #48-05 REGARDING
SANITARY SEWER SYSTEM CAPACITY FEES AND ADOPTING A COMBINED
DEVELOPMENT FEE SCHEDULE

Mrs. Mershon read the ordinance. First reading only.

Sponsor: Mrs. Mershon
O-07-08K ORDINANCE TO AMEND ORDINANCE NO. 73-07 TO INCLUDE CERTAIN
ADDITIONAL PARCELS OF REAL PROPERTY IN THE DILEY ROAD TIF AREA SO
THAT THOSE PARCELS WILL BE SUBJECT TO THE TAX EXEMPTION GRANTED
IN, AND THE RELATED REQUIREMENT TO MAKE SERVICE PAYMENTS SET
FORTH IN, THAT ORDINANCE, TO AUTHORIZE THE EXECUTION OF A TAX
INCREMENT FINANCING AGREEMENT, AND TO DECLARE AN EMERGENCY.

Mrs. Mershon read the ordinance. First reading only.

SECOND Reading

Sponsor: Mr. Jarvis
O-07-08A AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN
ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE
CODIFIED ORDINANCES OF CANAL WINCHESTER, OHIO

Mr. Jarvis read the ordinance. Second reading only.

RESOLUTIONS

SECOND Reading

Sponsor: Mr. Paini
R-07-08A A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE TAX INCENTIVE
REVIEW COUNCIL FOR THE FAIRFIELD COUNTY TAX ABATEMENT AREAS
WITHIN THE VILLAGE OF CANAL WINCHESTER

Mr. Paini read the resolution. Second reading only.

Sponsor: Mr. Jarvis

R-07-08B A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE TAX INCENTIVE
REVIEW COUNCIL FOR THE FRANKLIN COUNTY TAX ABATEMENT AREAS
WITHIN THE VILLAGE OF CANAL WINCHESTER

Mr. Jarvis read the resolution. Second reading only.

Sponsor: Mrs. Rush-Ekelberry

R-07-08C A RESOLUTION AUTHORIZING THE LABOR DAY FESTIVAL COMMITTEE TO
OPERATE THE ANNUAL "CANAL WINCHESTER LABOR DAY FESTIVAL" ON THE
VARIOUS STREETS AND SIDEWALKS OF THE VILLAGE OF CANAL WINCHESTER

Mrs. Rush-Ekelberry read the resolution. Second reading only.

Sponsor: Mr. Pains

R-07-08D A RESOLUTION REAUTHORIZING AN AGREEMENT BETWEEN THE VILLAGE OF
CANAL WINCHESTER AND THE BOARD OF COUNTY COMMISSIONERS,
FRANKLIN COUNTY, OHIO ON BEHALF OF THE VILLAGE OF CANAL
WINCHESTER IN ORDER TO PARTICIPATE IN THE FRANKLIN COUNTY, OHIO
DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD) ENTITLEMENT
PROGRAM AND ABIDE BY THE COVENANTS OF THAT PROGRAM AS STATED
HEREIN

Mr. Pains read the resolution. Second reading only.

Mayor's Report:

In 2002, there was a lawsuit against the Village of Canal Winchester and that law suit was dismissed. A press release regarding the dispute over the waste water service agreement has been agreed upon by Ms. Osborn and myself and should be in the newspapers soon.

Public Works Director:

Columbus Street Grand-Opening was Friday and it went very well.

The rest of Columbus Street is still in disrepair. The curbs are scheduled to go in this week and the pavement is scheduled at the end of August. Entire project is scheduled to be finished by the 7th of October.

Street Tree planting plan has been developed and shows where large trees will go in along the empty bump-outs.

EMH&T gave a presentation on the Gender Road Safety Study. The Study is complete and has been given grant approval from City of Columbus. It is turned over to ODOT for their consideration in District 6 and hopefully for Central District's review.

Mr. Taylor gave a presentation on vehicle meter reading, which is part of a process which started in 1993. This will reduce personnel time greatly.

Safe Routes to School program kickoff meeting has been held.

Street CIP has only a few punch-out items left.

Mr. Miller has completed a leisure path on the downstream side of the covered bridge.

Fall Street tree planting will plant 74 trees.

Backflow surveys are being done by Mr. Taylor and his crew, as well as, meter replacements in preparation for the vehicle meter reading system.

Mr. Smith and his crew had the wettest June on record and have had no wet basements at all.

I&I work continues.

Development Director:

See written report. CWICC will be meeting to discuss a possible new business in Canal Point.

Community Affairs Director:

See written report.

Village Solicitor:

No need for Executive session.

Mr. Hollins wanted to clarify about the "opt-out" comment. No property owner can become a part of the JEDD without submitting a written petition to do so. The earlier comments may have left the impression that people can be a part of the JEDD even if they do not want to and that is simply not the case.

The 2% income tax doesn't seem to have slowed down well-planned development.

Mr. Jarvis noted that the JEDD was supposed to be all parties and since Bloom has decided not to become a part of this, it all unravels at that point.

Mr. Paini stated that there seems to be a lot of discussion surrounding Canal Point. At one point 2 years ago, Pickerington kind of threw their hands up and said Canal Winchester is not going to let us in and at that point, their focus shifted toward getting a new JEDD.

Fairfield County Sheriff:

Deputy Dixon read the report.

Mrs. Turner asked where are the majority of the accidents? Dep. Dixon responded they are at Gender / Winchester Blvd.

Mr. Paini stated he received the comments regarding Semi's at Walmart and an empty tanker in the lot of Home Depot. Deputy Dixon stated the tanker was ticketed and that Walmart has chosen to allow certain semi's to park in there. Walmart will call if it is a semi that doesn't have permission to park.

Mrs. Rush-Ekelberry asked about the Schwan truck parked. Deputy Dixon responded that they have their peddler's license through Franklin County, but they are not going door-to-door, therefore are not violating our peddler's ordinance.

Finance Director:

Ms. Osborn is out ill tonight.

Old Town Committee
Finance Committee
Service Committee
Safety Committee

Monday, August 11, 2008 at 5:45 PM
Monday, August 4, 2008 at 5:45 PM
Monday, August 18, 2008 at 5:45 PM
Monday, August 11, 2008 at 5:00 PM

Public Hearing

(Subdivision Regulations Update)

Monday, August 18, 2008 at 6:45 PM

Mr. Jarvis stated that the park impact fees seem to have a lot of disparity. We are at the very bottom of the list. We are currently at \$250 and would need to look at adjusting that fee if the Parks & Rec. levy doesn't pass.

Mr. Peoples stated Ms. Osborn will bring that forth at a later meeting.

Mr. Paini asked if this was only for parks. Mr. Peoples stated it was. Mayor Ebert noted that there are many impact fees, but this one is only for parks.

Mrs. Mershon stated that a time table should be set up for reviewing this impact fee so that it doesn't get so far behind again.

Old Business: None at this time.


Mr. Jarvis moved to adjourn the meeting. Mr. Paini seconded the motion.

VOTE: **AYES** Mr. Jarvis, Mr. Deeds, Mrs. Mershon, Mr. Paini,
 Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried. Time out 8:07pm

Yvonne K. Osborn
Clerk of Council


President of Council

Date August 4, 2008

Michael Ebert
Mayor

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.